

REMARKS

1. Summary

Claims 1-11 are pending. In the Office Action mailed November 14, 2003, the Examiner objected to informalities in claims 10 and 11. The Examiner rejected claims 1-5, 10 and 11 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,666,004 ("Raz"), U.S. Patent No. 5,417,536 ("Cech"), U.S. Patent No. 3,910,363 ("Airesman"), U.S. Patent No. 5,837,946 ("Johnson") and U.S. Patent No. 4,421,186 ("Bradley"). The Examiner rejected claims 1-9 under 35 U.S.C. 102(b) as being anticipated by FR 2,752,298 and rejected claims 1, 5-11 as being anticipated by EP 803, 71. Applicant traverses these rejections for the following reasons.

2. Information Disclosure Statement

The Examiner noted that listing references in the specification is not a proper IDS, and therefore the Examiner has only considered the references cited on form PTO-892. The specification lists three documents - FR 2,752,298, WO 82/02024 and WO 91/08977. Of these three documents, only the French document is listed on form PTO-892. However, the other two documents were cited in the International Search Report. The Formalities Letter mailed April 1, 2002 confirms that the USPTO received the ISR along with copies of these references. Since these two references were cited in the ISR and copies of the ISR and the references are in the file, MPEP § 1893.03(g) informs the Applicant that the references will be considered by the Examiner even though they are not submitted in an IDS and even though the Examiner might not then include them on form PTO-892. Nevertheless, and to ensure that these references will appear on the face of the patent, Applicants submit an IDS listing these two references.

2. Response to Objection of Claims 10 and 11

The Examiner objected to claims 10 and 11 as indefinite for using the phrase "possible additional electronics." Applicant has amended claims 10 and 11 to remove this phrase and request that the Examiner withdraw this objection.

3. Response to Rejection of Claims 1-11

The Examiner rejected independent claims 1 and 11 based on Raz, Cech, Airesman, Johnson, Bradley, FR 2,752,298 and EP 803,717. For each of these references, which are used as independent bases of rejection, the Examiner equates the "load cell" described in the references with Applicant's pressure or strain-sensitive sensor. Claim 1 and 11 have been amended to clarify that Applicant's pressure or strain-sensitive sensor is a non-load bearing sensor. This is neither taught nor suggested in any of the cited references, in which the load cells are load-bearing sensors.

As described in Raz, for example, "when a load is placed upon the fork member and, thus, on floating members 34 and 36, the weight thereof causes the floating members 34 and 36 to transmit the force from the weight via the ball bearings to the individual load cells, to thereby measure the weight of the load." (col. 3, line 65 – col. 4, line 2). Thus, the load cell – as its name implies – bears the weight of the load placed on the forklift in order to make its measurement. The load cells in all the other references operate similarly.

In contrast, Applicant's independent claims 1 and 11 both include a "non-load bearing pressure or strain-sensitive" sensor. As is illustrated in Fig. 1 and described in Applicant's specification, the claimed the pressure or strain-sensitive sensor does not bear the load placed on

the lift forks. This is not the case for the load cells described in the references cited by the Examiner, since the principle of operation of the load cells requires that they bear the load of any object placed on the forklift in order to measure the weight of that object. Therefore, none of the references cited by the Examiner teach or suggest a "non-load bearing pressure or strain-sensitive sensor."

Therefore independent claims 1 and 11 are allowable. Accordingly, dependent claims 2-10 are also allowable.

4. Conclusion

For the reasons previously discussed, Applicant submits that this application is in condition for allowance. If any questions or issues remain, the Examiner is invited to contact Applicant's attorney, Brian Harris, at his direct dial number of (312) 913-3303.

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Respectfully submitted,



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